

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17-CR-162-V

DARIUS DIX,

DECISION AND ORDER

Defendant.

1. On April 30, 2018, the defendant, Darius Dix, pleaded guilty to Count 1 of the superseding information charging a violation of Title 21, United States Code, Section 846 (conspiracy to distribute 500 grams or more of cocaine and 28 grams of more of cocaine base). Docket Item 67.

2. On May 1, 2018, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 69.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Sections 636(b)(1) and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (docket item 69), the plea agreement (docket item 68), the superseding information (docket item 67), a transcript of the digital FTR recording of the plea proceeding (docket item 89), and the applicable law. This Court finds no legal or factual error in Judge Schroeder's Report & Recommendation and therefore adopts

Judge Schroeder's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the superseding information.

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's May 1, 2018 Report & Recommendation, Docket Item 69, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Darius Dix, is now adjudged guilty under Title 21, United States Code, Section 846.

SO ORDERED.

Dated: July 5, 2018
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE